

INTERNATIONAL SEARCH REPORT

International	Application No
PCT/EP 03/09689	

A. CLASSIFICATION OF SUBJECT MATTER	
IPC 7	C12N15/86

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED	
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Minimum documentation searched (classification system followed by classification symbols)

IPC 7	C12N
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Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, MEDLINE, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT	
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Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/090716 A1 (MEREDITH DAVID MARK ET AL) 11 July 2002 (2002-07-11) see p. 1, right column to p. 2 and claims ---	1-12
X	WO 01 60403 A (BOEHRINGER INGELHEIM VETMED ;ELBERS KNUT (DE); OSTERRIEDER NIKOLAU) 23 August 2001 (2001-08-23) see p. 6 ---	1-12
X	US 6 187 320 B1 (STRUBE WALTER ET AL) 13 February 2001 (2001-02-13) see column 8 ---	1-12
X	US 6 387 685 B1 (MEREDITH DAVID MARK ET AL) 14 May 2002 (2002-05-14) the whole document ---	1-12 -/-

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
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18 November 2003	12/12/2003
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Name and mailing address of the ISA	Authorized officer
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European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Paresce, D
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C(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 225 111 B1 (COCHRAN MARK D ET AL) 1 May 2001 (2001-05-01) see columns 2-3 ---	1-12
X	ROUMILLAT L F ET AL: "PERSISTENT INFECTION OF A HUMAN LYMPHOBLASTOID CELL LINE WITH EQUINE HERPESVIRUS 1" INFECTION AND IMMUNITY, AMERICAN SOCIETY FOR MICROBIOLOGY. WASHINGTON, US, vol. 24, no. 2, 1 May 1979 (1979-05-01), pages 539-544, XP002059120 ISSN: 0019-9567 the whole document ---	1-8
X	RUDOLPH JENS ET AL: "Equine herpesvirus type 1 devoid of gM and gp2 is severely impaired in virus egress but not direct cell-to-cell spread." VIROLOGY, vol. 293, no. 2, 15 February 2002 (2002-02-15), pages 356-367, XP002219690 February 15, 2002 ISSN: 0042-6822 see p. 356-7 ---	1-8
X	NEUBAUER ANTONIE ET AL: "Equine herpesvirus 1 mutants devoid of glycoprotein B or M are apathogenic for mice but induce protection against challenge infection" VIROLOGY, ACADEMIC PRESS, ORLANDO, US, vol. 239, no. 1, 8 December 1997 (1997-12-08), pages 36-45, XP002146619 ISSN: 0042-6822 see p.38-39 -----	1-8

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.: 1-3, 5-12 partially because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210

3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1-3, 5-12 partially

Present claims 1-3, 5-12 relate to an extremely large number of possible compounds/products/methods. In fact, the claims contain so many options, variables, possible permutations and provisos that a lack of clarity (and conciseness) within the meaning of Article 84 EPC arises to such an extent as to render a meaningful search of the claims impossible. Consequently, the search has been carried out for those parts of the application which do appear to be clear (and concise), namely a recombinant animal virus, said virus being an equine herpesvirus, having the ability to transduce primary cells in vitro with a multiplicity of infection of less than 1, said primary cells derived from organisms not being the natural host.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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Patent document cited in search report	Publication date	Patent family member(s)		Publication date
US 2002090716	A1 11-07-2002	AU 735339 B2 AU 7738798 A EP 0953054 A1 WO 9827216 A1 GB 2335426 A ,B JP 2001506854 T NZ 336047 A US 6387685 B1		05-07-2001 15-07-1998 03-11-1999 25-06-1998 22-09-1999 29-05-2001 23-02-2001 14-05-2002
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